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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert Wesley Bossemeyer

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2228

34431

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10/14/2008

HANLEY, FLIGHT & ZIMMERMAN, LLC

150 S. WACKER DRIVE

SUITE 2100

CHICAGO, IL 60606

EXAMINER

CHO, HONG SOL

ART UNIT

PAPER NUMBER

2419

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/931,288	<b>Applicant(s)</b> BOSSEMEYER ET AL.	
	<b>Examiner</b> HONG CHO	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13- 22 i is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-6 13-20 and 22 i is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following is in response to the amendments filed on 09/11/2008. Claims 7-12 have been cancelled. Claims 1-6 and 13-22 are pending in the instant application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Strauss et al (US 6272126), hereinafter referred to as Strauss.

Re claims 1 and 22, Strauss discloses connecting a telephone to a data telephony interface of the home gateway system; detecting a dialing of a destination telephone number; triggering on a call request at a switch of the home gateway system and sending a query to a processor of the home gateway system; receiving a reply from the processor including a telephone number of an internet service provider; establishing a telephony

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connection with the internet service provider based on the telephone number of the internet service provider in response to the dialing of the destination telephone number; and sending a message to the internet service provider including the destination telephone number (column 12, lines 11-32).

Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Clarke, Jr et al (US 6021419), hereinafter referred to as Clarke.

Re claim 13, Clarke discloses a transceiver; a switch connected to the transceiver; a processor connected to the switch; and a router connected to the switch, the router to receive a data packet from an internal port with an external address, the router to send a request to the processor to establish a communication session with an internet service provider, and the processor to direct the transceiver to establish a telephony connection with the internet service provider (figure 1a; column 1, lines 26-55).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Ng et al (US 6243376), hereinafter referred to as Ng.

Re claim 2, Strauss discloses all of claim limitations of a base claim but fails to disclose digitizing an audio signal, packetizing the digitized signal to form a plurality of outgoing packets and transmitting the plurality of outgoing packets to the ISP. Ng discloses converting voice signals into a data packet format suitable for transmission over the Internet (column 3, lines 60-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strauss to convert an audio signal to a data packet so that a voice call is connected over the Internet through ISP. The motivation is to use Voice over Internet Protocol (VoIP) that converts a traditional voice signal into a stream of packets that are distributed over a packet network so that packet switched network is utilized to support voice calling system.

Re claim 3, Strauss discloses all of claim limitations of a base claim, but fails to disclose receiving a plurality of incoming packets from the ISP, converting the plurality of incoming packets into an incoming audio signal and connecting the incoming audio signal to the telephone. Ng discloses processing the incoming data packet format into audio signals reproducible as voice through the phone (column 3, lines 63-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strauss to convert a data packet back to an audio signal so that a voice call is connected over the Internet through ISP. The motivation is to use VoIP that converts a stream of packets back into traditional voice signal to support conventional telephone system.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Lin et al (US 6791952), hereinafter referred to as Lin.

Re claim 4, Strauss discloses all limitations of the base claim, but fails to disclose establishing a wireless local loop connection to a base station (BS) and connecting the BS to the ISP. Lin discloses a BS, which is connected to the ISP (figure 4; column 9, lines 5-6), serving a plurality of subscriber radio terminals through wireless access link (figure 4, elements 410 and 411; column 8, lines 42-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strauss to implement Lin's wireless Internet access system to provide efficient provision of asymmetric data services.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Ng and further in view of Gerszberg et al (US 6542500), hereinafter referred to as Gerszberg.

Re claim 5, Strauss discloses all limitations of the base claim, but fails to disclose compressing the digitized signal. Gerszberg discloses compressing IP packets and the voice (column 27, lines 63-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strauss to implement the function of Gerszberg's processor to compress digitized signal to conserve additional amount of bandwidth.

Re claim 6, Strauss discloses all limitations of the base claim, but fails to disclose determining a priority of the plurality of outgoing data packets and when the priority is

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low, storing the plurality outgoing packets until all of a high priority data packets have been transmitted. Gerszberg discloses the processor in the Intelligent Services Director (ISD) configured to discriminate between the various forms of traffic (*determining a priority of the plurality of outgoing data packets*) and distributing high priority packets from one or more priority queues (*when the priority is low, storing the plurality outgoing packets until all of a high priority data packets have been transmitted*, column 19, lines 54-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strauss to implement the function of Gerszberg's processor to provide guaranteed bandwidth and latency service by distributing packets based on priority scheme.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke in view of Lin.

Re claims 14 and 15, Clarke discloses all of the limitations of the base claim, but fails to disclose establishing a wireless local loop connection to a base station through an asymmetric data channel. Lin discloses establishing a wireless local loop connection to a base station through an asymmetric data channel (figure 4; column 8, lines 53-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Clarke with the system of Lin for the benefit of providing wireless communications.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke in view of Lin and further in view of Gerszberg.

Re claims 16 and 17, Clarke discloses all limitations of the base claim, but fails to disclose receiving the request from a television processing system for an information service provider request and sending received information over a channel to a television. Gerszberg discloses providing CATV services to subscribers (figure 5; column 7, lines 59-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Clarke to implement a television processing system of Gerszberg to provide integrate services so that any requested information would be available based on subscriber preferences.

Re claim 18, Clarke discloses all limitations of the base claim, but fails to disclose television system receiving an email request, directing the processor to download an email and sending the email over the selected channel of the television. Gerszberg discloses providing email services (column 24, lines 24-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Clarke to provide email services by Gerszberg's television processing system so that wide range of telephony services are accessed based on users' preference for communication over the Internet.

Re claim 19, Clarke discloses all limitations of the base claim, but fails to disclose an emergency broadcast network receiver connected to the television processing system. Gerszberg discloses providing emergency services (column 14, lines 57-67). It would have been obvious to one having ordinary skill in the art at the time the invention was



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made to modify Clarke to provide emergency services by Gerszberg's television processing system for providing a faster emergency broadcast over the Internet.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke in view of Ng.

Re claim 20, Clarke discloses all limitations of the base claim, but fails to disclose home gateway system including a voice mail system. Ng discloses the Internet phone with a voice mail system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Clarke to implement a voice mail system of Ng to provide integrate services including telephony and Internet services.

***Allowable Subject Matter***

6. Claim 21 is allowed.

***Response to Arguments***

7. Applicant's arguments have been fully considered but they are not persuasive.

In regard to rejection on claim 1, the applicant argues that Strauss does not disclose detecting dialed destination number by stating that dialed digits are not a destination telephone number. The examiner respectfully disagrees. In this case, dialed local number is a destination number. Since the dialed number would be mapped or translated to the destination number, it seems like they are different numbers. However,

the dialed local number is a destination number to a caller and a voice server, which will map the dialed number to a destination number.

In regard to rejection on claim 13, the applicant argues that Clarke does not disclose a home gateway system where a router requests a processor to establish a telephony connection with an ISP. The examiner respectfully disagrees. Clarke discloses a satellite uplink facility at home and necessarily discloses a router requesting a processor to establish a telephony connection with an ISP.

Therefore, the Examiner concludes that the rejection of claims stands.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hong Cho/

Hong Cho  
Examiner, Art Unit 2419  
10/9/2008